

**FEDERAL DISTRICT COURT OF WASHINGTON
WESTERN DISTRICT AT SEATTLE**

URBANO VELASQUEZ, an individual,

Plaintiff,

vs.

KING COUNTY, a political subdivision
of the state of Washington, DEPUTY
DEVON STRATTON, a King County
Sheriff's Department Deputy, DEPUTY
WEST, a King County Sheriff's
Department Deputy, DEPUTY
DONAGLIA, King County Sheriff's
Department Deputy, and DOES 1 through
5, inclusive,

Defendants.

No. 2:19-cv-745

**COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS,
NEGLIGENCE, ASSAULT AND
BATTERY, STRICT LIABILITY**

JURY DEMANDED

COMES NOW Plaintiff, Urbano Velasquez, by and through his attorney, Stephen J.

Plowman, states the following facts and claims against the named Defendants:

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS, NEGLIGENCE, ASSAULT AND
BATTERY, STRICT LIABILITY

Page 1 of 9

STEPHEN J. PLOWMAN WSBA No. 21823
8048 NE 8TH STREET
MEDINA, WASHINGTON 98039
TEL. (425) 233-0321
EMAIL. SJPLOWMANLAW@GMAIL.COM

I. PARTIES AND JURISDICTION

1.1 Urbano Velasquez, was at all relevant times, a married adult male residing in King County, Washington. Urbano Velazquez was previously employed as a farm hand and laborer in the Enumclaw-Cumberland area.

1.2 Defendant, King County, is a political subdivision of the state of Washington that operates the King County Sheriff's Office. All actions on the part of the individual Sheriff Deputies constitute state actions for purposes of Civil Rights Violations as described hereafter.

1.3 During all relevant times alleged hereafter, Defendant, King County, employed Deputies Stratton, West and Donaglia.

1.4 Subject matter jurisdiction is appropriate in the federal courts premised upon the civil rights violations being asserted under 42 U.S.C. §1983.

II. BACKGROUND

2.1 This matter arises out of an encounter with the King County Police and the named individual Sheriff's Deputies, Stratton, West and Donaglia which occurred on May 20, 2019 at approximately 4:00 AM.

2.2 In the early hours of the morning of May 20, 2016, the King County Sheriff's Department responded to a complaint made by Stacey Velazquez that Urbano Velazquez "was pulling her and had been drinking alcohol."

2.3 Deputy Stratton encountered Stacey Velazquez at the residence and she signaled police that Urbano Velazquez had walked northward on the property toward an outbuilding.

2.4 Deputy Stratton release Sheriff's dog "Luky" from the police car and searched the Velazquez property utilizing the Sheriff's dog's sensing and tracking capabilities.

1 2.5 Eventually, police tracked Urbano Velazquez to a crawl space under the residence
2 where they initiated the search. The Police Report asserts that Deputy Stratton called out to
3 Urbano Velazquez warning that if he did not come out, Deputy Stratton would let the dog loose
4 and the dog would bite him. Deputies Stratton and Donaglia state that they looked into the crawl
5 space and could not see anyone. Deputies allege that they repeated warnings to come out, show
6 hands and to respond but heard nothing.

7 2.6. Urbano Velazquez, did, in fact, hide in the crawl space. He saw two Sheriff's
8 Deputies standing a few feet away from the doorway. Deputies did call out for Urbano
9 Velazquez to show himself and surrender and Urbano Velazquez did respond and told the
10 Deputies that he was coming out from the crawl space and not to loosen the dog. Urbano
11 Velazquez repeated his surrender plea and asked the Deputies not to loosen the dog. This
12 exchange between the King County Sheriff Deputies and Urbano Velazquez was heard by Stacey
13 Velazquez and the children inside the house.

14 2.7 Urbano Velazquez approached the small portal just a few feet inside the crawl
15 space clearly visible to the Deputies who were positioned very close to the crawl space doorway.
16 Urbano Velazquez could clearly see the Deputies who His arms were positioned head high in an
17 attempt to demonstrate surrender and to block the two flashlight beams pointed directly at his
18 face in order to see the portal and exit the crawl space. Again he told Deputies that he was
19 coming out peacefully and at that point, the K9 dog, Luky was loosened and began a savage
20 attack on Urbano Velazquez.

21 2.8 Luky the Police Dog tore into Urbano Velazquez' arm that was lifted to surrender
22 and protect his eyes. Luky's vicious attack carved large portions of flesh from the arm of
23
24
25

1 Urbano Velazquez, damaging and destroying muscle tissue and destroying nerves and vascular
2 systems.

3 2.9 The damage caused by Luky the Police Dog, left the arm of Urbano Velazquez
4 powerless, non-funcional and nearly useless for the type of work previously performed by him.
5

6 **III. FIRST CAUSE OF ACTION**

7 (42 U.S.C. §1983 Against King County and all individual Deputies)

8 3.1 Plaintiff incorporates all prior allegation into this First Cause of Action.
9

10 3.2 In accordance with 42. U.S.C. §1983, Plaintiff asserts causes of actions premised
11 upon the violations of Urbano Velazquez' rights under the Fourth and Fourteenth Amendments
12 not to be deprived of life, liberty, or property with the due process of law. With regard to
13 Deputies Stratton, West and Donaglia, Plaintiff maintains the usage of excessive force with
14 regard to the unnecessary release of the Police Dog after Urbano Velazquez had effectively
15 surrendered and communicated his surrender to King County Police. Each of the dog bites and
16 attacks, individually and collectively, constituted the use of excessive and unnecessary lethal
17 force.

18 3.3 With regard to King County and its Sheriff's Department, Plaintiff asserts a
19 pattern and practice of the same or similar civil rights violations perpetrated by officers or
20 deputies within King County Sheriff's Office and ratified by supervising officers.
21

22 3.4 King County Sheriff's Office, its supervisors, training staff and chain of
23 command were negligent and grossly negligent in their supervision, monitoring, training and
24 governance of Police Dogs, Officer Handlers in allowing such lack of supervision, training or
25 monitoring to prevent the unnecessary excessive force utilized to subdue Urbano Velazquez,

1 who had already surrendered and communicated the fact that he was unarmed and willing to
2 comply with King County Sheriff Deputies' directions.

3 3.5. As a direct and proximate result from Defendants' collective conduct, Urbano
4 Velazquez sustained severe permanent, disabling, and cosmetic injuries to his arm and body
5 which have been rendered largely weakened, inoperable and dysfunctional.

6 3.6 Defendants are liable to Plaintiff in the amount of Two Million Dollars for the
7 damages and permanent injuries as alleged above and judgment should be entered in favor of
8 Plaintiff and against each Defendant, jointly and severally for all damages sustained by Plaintiff.
9

10 11 **IV. SECOND CAUSE OF ACTION**

12 (Negligence as to Deputies Stratton, West and Donaglia)

13 4.1 Plaintiff references all prior allegations as though fully set forth in this Second
14 Cause of Action.

15 4.2 In their capacities as Sheriff's Office Deputies, Deputies Stratton, West and
16 Donaglia owed a duty to Plaintiff, once Plaintiff clearly manifest his willingness to surrender and
17 showed raised arms and bare hands evincing his lack of weapons and desire to surrender, to
18 restrain Luky and not allow Luky to attack and maim Plaintiff.

19 4.3 Deputies Stratton, West and Donaglia breached their duty to protect Plaintiff from
20 excessive and unreasonable force and harm from Luky by allowing Luky to advance upon and
21 attack Urbano Velazquez.

22 4.4 Plaintiff suffered damages and harm to his person and arm as proximate and
23 direct result of Defendants (Deputies) negligence in the form of permanent scarring, permanent
24 partial disability and loss of the enjoyment and use of Plaintiff's arm.
25

May 20, 2016 in an amount to proven hereafter at Trial in an amount not less than \$2,000,000.00.

VI. FOURTH CAUSE OF ACTION

(Assault and Battery as to All Defendants)

6.1 Plaintiff references all prior allegations as though fully set forth in this Fourth Cause of Action.

6.2 The actions allege above by Deputies Stratton, West and Donaglia constitute assault by threatening to use illegal excessive and lethal force by unleashing Luky under circumstances that did not warrant the use of any force whatsoever.

6.3 Deputies Stratton, West and Donaglia committed battery by cause Luky, as their agent, to commit harmful and offensive touching.

6.4 As a direct and proximate result of King County's assault and battery, Plaintiff suffered physical, emotional and financial damages on May 20, 2016 in an amount to proven hereafter at Trial in an amount not less than \$2,000,000.00.

FIFTH CAUSE OF ACTION

(Strict Liability as to All Defendants under RCW 16.08.040 and
RCW 4.24.410 carve out)

6.1 Plaintiff references all prior allegations as though fully set forth in this Fifth Cause of Action.

1 and special damages proximately resulting from Defendant's negligence in amounts as shall be
2 proven at trial, but not less than \$2,000,000.00;

3 3. For a judgment against King County by reason of its failure to supervise, oversee
4 and train its Deputies and K9 handlers and breach of duty with respect to Plaintiff, for general
5 and special damages proximately resulting from Defendant's negligence in amounts as shall be
6 proven at trial, but not less than \$2,000,000.00;

7 4. For a judgment, joint and several, against all Defendants for damages sustained by
8 Plaintiff by reason of Defendants' assault and battery, for general and special damages
9 proximately resulting from Defendant's assault and battery in amounts as shall be proven at trial,
10 but not less than \$2,000,000.00;

11 5. For a judgment, jointly and severally amongst all Defendants through strict
12 liability under RCW 16.08.040 and RCW 4.24.410 in amounts as shall be proven at trial, but not
13 less than \$2,000,000.00;

14 6. For general, special and punitive damages, prejudgment interest and post
15 judgment interest in amounts as shall be proven at trial including all taxable costs, reasonable
16 attorney's fees in accordance with law, and otherwise, for Plaintiffs costs and disbursements
17 herein incurred, and for such other and further relief as the Court may deem just and equitable
18 under the circumstances.
19
20

21 DATED this 16th day of May 2019.

22 **s/Stephen J. Plowman**

23 Stephen J. Plowman, WSBA No. 21823
24 Representing Plaintiff, Urbano Velasquez
25 8048 NE 8th Street
Bellevue, WA 98004
Tel. (425) 233-0321
Email: sjplowmanlaw@gmail.com

COMPLAINT FOR VIOLATION OF CIVIL
RIGHTS, NEGLIGENCE, ASSAULT AND
BATTERY, STRICT LIABILITY

Page 9 of 9

STEPHEN J. PLOWMAN WSBA NO. 21823
8048 NE 8TH STREET
MEDINA, WASHINGTON 98039
TEL. (425) 233-0321
EMAIL: SJLOWMANLAW@GMAIL.COM